

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK R. FULLER,

Defendant.

4:21CR3089

ORDER

Defendant has moved to continue the trial, (Filing No. 32), because the parties are currently engaged in plea discussions. The court has continued the trial twice before for the same reason. See Filing Nos. 28-31). While the motion to continue is unopposed, and the court will again grant the motion, counsel are hereby notified that further requests will likely be denied.

Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 32), is granted.

No further continuances will be granted absent a substantial showing of good cause.

- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, 100 Centennial Mall North, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on May 9, 2022, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 3) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and May 9, 2022, shall be

deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 28, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge